



Disruptive Behaviour Management Policy

Purpose

To outline how the Department of Communities (Housing) manages and responds to disruptive behaviour at public housing premises.

Scope

This policy relates to the responsibility and management of public housing tenancies where there is reported ongoing, unreasonable nuisance or disruption occurring at a public housing premises of a Department of Communities (Housing) property in Western Australia. This includes the process of defining, identifying and investigating reported instances of disruptive behaviour of those legally at the public housing premises, and incorporating effective strategies to benefit the whole community.

Policy statements

1. Disruptive Behaviour

Complaints against public housing tenancies will be investigated in a consistent and timely manner.

The Department of Communities (Housing) will assess all reported complaints and, where possible, contact the complainant prior to an investigation.

A thorough investigation of valid complaints will be undertaken which may include contacting potential witnesses.

Evidence is required which proves an ongoing or unreasonable nuisance or disruption has occurred which has impacted those residing in the immediate vicinity of the public housing premises.

The Department of Communities (Housing) will take appropriate action in line with policy settings other than in exceptional circumstances.

The Department of Communities (Housing) will act in the best interests of the community, including clients and neighbours, especially where children and family and domestic violence are involved.

2. Proportionate Action

The Department of Communities (Housing) response will be proportionate to the severity of the proven behaviour.

Strikes may be issued following an investigation into a complaint against a tenancy where the Department of Communities (Housing) is satisfied of a proven incident which:

- a. Caused a significant nuisance or disruption to those who reside in the immediate vicinity of the premises,
- b. Interfered with the reasonable comfort or privacy of those who reside in the immediate vicinity of the premises,
- c. Posed a significant safety risk to any person at the premises, adjacent premises, or common areas,
- d. Intentionally or recklessly caused or permitted serious damage to the premises,
- e. Was caused or permitted by the legal tenant or permitted householder or visitor.

The Department of Communities (Housing) defines disruptive behaviour as one of three categories of severity:

- a. Dangerous Behaviours - activities that pose a demonstrable risk to the safety or security of residents or property, or have resulted in injury to a person in the immediate vicinity of the premises, or where relevant, a common area or an adjacent premises where the person is in occupation or permitted visitor, with subsequent Police charges or conviction.
- b. Serious Behaviours - activities that intentionally or recklessly cause serious disturbance or damage to a person or property in the immediate vicinity of the premises, or which could reasonably be expected to cause concern for the safety or security of a person or their property.
- c. Disruptive Behaviours - activities that cause an ongoing or unreasonable nuisance or disturbance, or unreasonably interferes with the peace, privacy, or comfort of those in the immediate vicinity of the premises.

3. Alternative Action

The Department of Communities (Housing) may implement alternative action where extenuating circumstances are identified and approval from Management is provided.

Alternative action refers to approved and documented practice that is recommended for tenancies to address issues such as family violence, elder abuse, mental health and cultural obligations.

Alternative action may be endorsed by Management throughout the disruptive behaviour investigation process.

4. Legal Action

Legal action may be pursued by the Department of Communities (Housing) after a specific number of strikes are issued within 12 months, and where the behaviour warrants eviction.

The number of strikes to be issued before proceeding with legal action will depend upon the severity of the incident.

Related policies

- Illegal Use of Premises Policy
- Family Violence Policy
- Tenancy Management Policy
- Transfer Policy

Related legislation

- *Housing Act 1980*
- *Residential Tenancies Act 1987*
- *Residential Tenancies Regulations 1989*

Definitions

Tenant	Refers to any person who is granted the right of occupancy of a public housing property and are a signatory to the Tenancy Agreement (TA).
Householder	Is an individual that belongs to or is part of a household.
Visitor	Refers to any person legally at the public housing property by invitation, with consent or knowledge of the tenant.
Common Areas	Refers to any area accessible to or provided for the common use of tenants.
Extenuating Circumstances	Refers to information or evidence about extraordinary circumstances or unusual factors surrounding an incident which may require an alternative response

Document control

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Version	Effective	Amended section	Description	Reference number
1	January 2022		Removed from Rental Policy Manual and made into separate policy	